

Lollo, Sharon (AG)

From: Hills, Rusty (AG)
Sent: Wednesday, August 15, 2012 8:53 AM
To: Lollo, Sharon (AG); Lazet, John (AG); Cameron, Thomas (AG)
Subject: FW: SB 1109

From: Schuette, Bill (AG)
Sent: Tuesday, August 14, 2012 8:58 PM
To: Posthumus, Dick (GOV)
Cc: Snyder, Rick (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV); Hills, Rusty (AG); Isaacs, Carol (AG); Cropsey, Alan (AG); Bandstra, Richard (AG); Bursch, John (AG)
Subject: RE: SB 1109

Dear Dick,

thank you very much.

I appreciate the Governor's support of VO-4. We will pass this on to Speaker Bolger and members of the House Judiciary Committee.

Best Regards,

Bill

From: Posthumus, Dick (GOV)
Sent: Tuesday, August 14, 2012 7:18 PM
To: Schuette, Bill (AG)
Cc: Snyder, Rick (GOV); Muchmore, Dennis (GOV); Clement, Elizabeth (GOV); Ackerman, Darin (GOV); Durfee, Sally (GOV)
Subject: SB 1109

Dear Attorney General Schuette

I want to thank you for working with us on the final changes to Senate Bill 1109. I understand that this legislation is a top priority for you and I appreciate your consideration of the concerns we raised. With the changes made in the proposed bill, the administration supports the H-2 substitute that will come before the committee that would require one or more of the prior felony convictions be from a specific list.

Dick Posthumus

Senior Advisor to the Governor



MICHIGAN SHERIFFS' ASSOCIATION

EDUCATIONAL SERVICES, INC.

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August 6, 2012

Honorable John Walsh
Chairman of the House Judiciary Committee
251 Capitol Building
Lansing, Michigan 48909

Dear Representative Walsh:

I am writing to express my support for S.B. 1109, as proposed by Michigan Attorney General Bill Schuette. VO-4 will toughen Michigan's habitual offender law, ensuring that repeat violent offenders are not permitted to wreak havoc in our communities unchecked.

Our state has four of the most violent cities in America, and it's long past time we do something more to break this cycle of crime. Holding repeat violent offenders accountable for their actions is a good first step. The implementation of a 25-year minimum sentence for four-time violent offenders will allow law enforcement to take the worst criminals off the street.

Failure to pass VO-4 will result in continued harm to our communities, leaving the door open for repeat violent offenders to continue their cycle of crime. To be frank, these criminals are the individuals our prisons were built to contain.

I am pleased to join Attorney General Schuette in calling for this sentencing reform. Thank you for the opportunity to share my thoughts. Please contact me if you have additional questions.

Sincerely,

Terrence L. Jungel
Executive Director
Michigan Sheriffs' Association

TLJ:ad



Prosecuting Attorneys Association of Michigan

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Attorney General
William D. Schuette

July 31, 2012

Chairman John Walsh
State Representative
P.O. Box 30014
Lansing, MI 48909-7514

RE: SB 1109

Dear Chairman Walsh:

On behalf of the Prosecuting Attorneys Association of Michigan, I am writing to inform you of our support for this bill. This legislation will toughen the application of Michigan's habitual offender law to target repeat violent offenders. Separating violent criminals from society will allow our communities to remain safe.

Our state has four of the most violent cities in America, and the implementation of a 25 year minimum sentence for four-time violent offenders in the most serious, specified crimes will allow law enforcement to take the worst criminals off the street.

Some will likely express concern for the cost of incarcerating these individuals beyond the sentences they currently receive. However, the tangible and intangible costs to victims of violent crime and our communities greatly exceed the costs of incapacitating violent criminals who have repeatedly shown an inability to peaceably live in society. As long as our citizens live in fear, we will never achieve true economic recovery.

Kids need safe streets as they walk to school. Employers need safe communities if they are to grow and create jobs. The ripple effect of violent crime perpetuated by repeat offenders undermines education, investment, and economic growth, and damages our communities for generations.

Thank you for your consideration

Sincerely,

Larry Burdick, President

Cc: House Judiciary Committee



MICHIGAN ASSOCIATION OF CHIEFS OF POLICE

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July 31, 2012

The Honorable John Walsh

Chairman of the House Judiciary Committee

251 Capitol Building

Lansing, Michigan 48909

Dear Representative Walsh,

I am writing to express the strong support of the Michigan Association of Chiefs of Police for Attorney General Bill Schuette's VO-4 (Violent Offense-Fourth) proposal, as reflected in SB 1109. This legislation to toughen Michigan's habitual offender law will allow law enforcement to make our communities safer by targeting violent repeat offenders who threaten public safety.

Under this sentencing reform, hardened criminals with three prior felony convictions would receive a sentence of at least 25 years upon subsequent conviction for an additional serious violent crime. These violent crimes are the worst of the worst – murder, criminal sexual conduct, assault with intent to murder, carjacking and kidnapping. Removing these criminals from our streets should be a top priority.

Some will likely express concerns about the mandatory incarceration of these individuals beyond the more lenient sentences they currently receive. However, by the time a person has been convicted of three felonies and then commits a violent felony, they have proved that they cannot be rehabilitated. At this point, long-term mandatory incarceration is the only way to protect our communities.

The MACP hopes that passage of SB 1109 will be a top priority. If I can be of any further assistance in the matter please do not hesitate to contact me.

Very Truly Yours

Robert Stevenson

Robert Stevenson, Chief (Ret.)



Office of the Prosecuting Attorney **VICTOR A. FITZ**

Chief Assistant
Frank Machnik

Michigan Senate
Michigan House of Representatives
Lansing, MI

Dear Members of the House:

Please allow me to express my strong support for the passage of Senate Bill 1109.

This Bill is commonly referred to as VO-4 (Violent Offender 4th).

In particular, VO-4 addresses these intractable offenders----individuals who have callously and repeatedly ignored previous opportunities to reform. Instead, these career criminals have consciously chosen to visit murderous acts, robbery, maiming, kidnapping, hostage taking, sexual assaults, carjacking and/or mayhem upon our law abiding citizens.

The need for such legislation is clear.

United States Department of Justice Crime statistics consistently place Michigan as the most violent state in the Midwest. For the past decade we have regularly had multiple urban areas ranked as the most violent in the nation. In particular, in 2010, Michigan had four cities ranked in the top ten of most violent cities in the nation.

This is extremely disconcerting.

A society must protect its helpless and innocent from repeatedly unlawful and violent marauders.

The terror they visit upon their victims is repeated and real. One need only visit a Michigan courthouse on sentencing day to hear the tragedies as they unfold on a regular basis. These courthouse recountings provide a recall into the true horrors visited upon these victims----often in the dead of night and in terrifying isolation.

Michigan needs to send a clear message to these violent and recalcitrant offenders that they will meet with severe consequences.

CASS COUNTY LAW AND COURTS BUILDING
60296 M-62, SUITE 6
CASSOPOLIS, MICHIGAN 49031
TELEPHONE (269) 445-4460 - FAX (269) 445-4409

The first section of our Michigan Constitution indicates that: *All political power is inherent in the people. Government is instituted for their equal benefit, **security and protection**.* (Emphasis added).

Passage of Senate Bill 1109 will assist in this primary responsibility of Michigan state and local government--- protection of the public.

Thank you for your attention to this serious matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor Fitz". The signature is stylized, with the first name "Victor" written in a cursive-like script and the last name "Fitz" written in a more blocky, capital-letter style.

Victor Fitz
Cass County Prosecutor

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August 15, 2012

The Honorable John Walsh
Chairman of the House Judiciary Committee
251 Capitol Building
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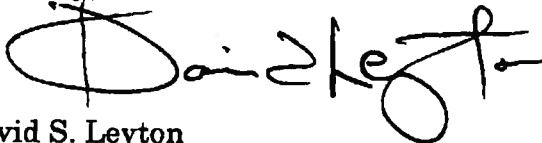
Dear Chairman Walsh:

I am in favor of the passage of SB 1109, legislation to strengthen Michigan's habitual offender law. VO-4 (Violent Offense-Fourth), as proposed by Attorney General Bill Schuette, will impose a 25-year minimum sentence for certain violent repeat offenders. Public safety is the first priority of government, and strategically targeting a subset of violent repeat offenders is a smart use of resources to improve the safety of our communities.

Under this sentencing reform, hardened criminals with three prior felony convictions would receive a sentence of at least 25 years upon subsequent conviction for an additional serious violent crime. These violent crimes are the worst of the worst – murder, criminal sexual conduct, assault with intent to murder, carjacking and kidnapping. Removing these criminals from our streets should be a top priority.

As our fragile economy recovers, maintaining strong public safety is critical. VO-4 is a commonsense reform that will set us on the path of safer, stronger communities.

Sincerely,



David S. Leyton
Genesee County Prosecutor



133 East Adams Street
Ionia, MI 48846

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DWAIN DENNIS, SHERIFF
DALE A. MILLER, UNDERSHERIFF

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Admin.	(616) 527-5383
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August 8, 2012

Honorable members of the House Judiciary,

Please accept this letter as strong support for SB 1109, also known as V-04 legislation. As a 42 year veteran of Law enforcement and 14 years as a Sheriff, I have too often seen situations where violent, repeat offenders have been released from custody after serving a relatively short sentence, only to commit another horrendous crime.

Passage of this bill would assure safer communities, reduce the number of violent crimes and make Michigan a better place to live.

Dwain Dennis
Sheriff, Ionia County



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August 15, 2012

The Honorable John Walsh
Chairman of the House Judiciary Committee
251 Capitol Building
Lansing, MI 48909

Re: Senate Bill 1109

Dear Representative Walsh:

Please be advised that the Police Officers Association of Michigan (POAM) supports the above-referenced Bill as proposed by Michigan Attorney Bill Schuette. We believe the passage of this legislation will be instrumental in helping to break the violent cycle of crime that is putting a stranglehold on certain areas of Michigan. POAM is pleased to join the Attorney General in calling for this sentencing reform.

If you have any questions, please feel free to contact me.

Sincerely,

POLICE OFFICERS ASSOCIATION
OF MICHIGAN

Kenneth E. Grabowski
Legislative Director

KEG/jlh

cc: Bill Schuette, Michigan Attorney General
Tim Ward, Michigan Legislative Consultants

SB 1109 - Violent Offender - 4th Offense



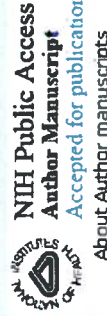
Stopping the Repeat, Violent Offender

VO-4 Proposal – Senate Bill 1109

- Must be convicted of one of the listed violent felonies
- Must have at least 3 prior felony convictions, including a history of violent offending (amendment)
- Must be convicted as a habitual fourth offender

Cost of Crime

Using a Nationally Accepted Methodology



Accepted for publication in a peer reviewed journal

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From: [Drug Alcohol Depend. Author manuscript; available in PMC 2011 April 1.](#)

Published in final edited form as:

Drug Alcohol Depend. 2010 April 1; 108(1-2): 98-109.

Published online 2010 January 13; doi: 10.1016/j.drugalcdep.2009.12.002

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Table 3

Tangible Per-Offense Costs (Including Crime Victim, Criminal Justice System, and Crime Career Costs) for Different Crimes in 2008 Dollars

Type of Offense	Crime Victim Cost	Criminal Justice System Cost	Crime Career Cost	Total Tangible Cost
Murder ^a	\$737,517	\$392,352	\$148,555	\$1,278,424
Rape/Sexual Assault	\$5,556	\$26,479	\$9,212	\$41,247
Aggravated Assault	\$8,700	\$8,641	\$2,126	\$19,537
Robbery	\$3,299	\$13,827	\$4,272	\$21,398
Motor Vehicle Theft	\$6,114	\$3,867	\$553	\$10,534
Arson	\$11,452	\$4,392	\$584	\$16,428
Household Burglary	\$1,362	\$4,127	\$681	\$6,170
Larceny/Theft	\$480	\$2,879	\$163	\$3,523
Stolen Property ^b	N/A	\$6,842	\$1,132	\$7,974
Vandalism ^b	N/A	\$4,160	\$701	\$4,860
Forgery and Counterfeiting ^b	N/A	\$4,605	\$660	\$5,265
Embezzlement ^b	N/A	\$4,820	\$660	\$5,480
Fraud ^b	N/A	\$4,372	\$660	\$5,032

Note: Formulas used for the calculations were based on Rajkumar and French (1997). Sources: Cohen and Miller (1998); Federal Emergency Management Agency (2007); U.S. Department of Health and Human Services (2004); Max et al. (2004); U.S. Bureau of Labor Statistics (2008a); U.S. Census Bureau (2007); U.S. Department of Justice, Bureau of Justice Statistics (1999, 2001, 2004a, 2006a, 2007a, 2007b, 2007c); U.S. Department of Justice, FBI (2004b, 2008).

N/A = not available or not applicable

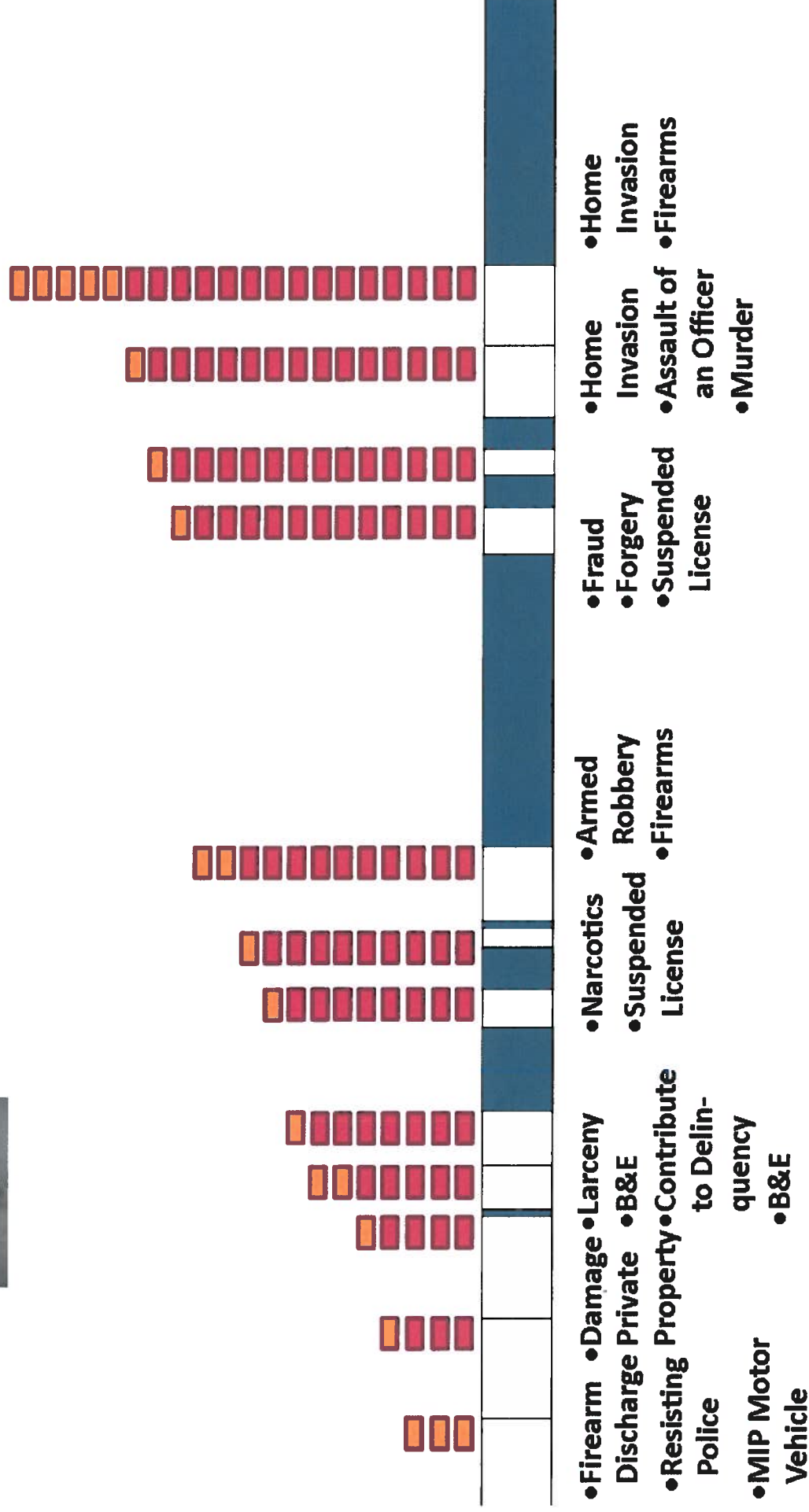
^aCrime victim cost for murder was calculated as the mean present value of lifetime earnings for a homicide victim.

^bBecause these are generally considered "victimless" crimes they do not include crime victim costs.

- These felons are exceptionally dangerous, and impose huge costs on victims and local units of government



Conviction for Larry Nehasil's murder: 2011



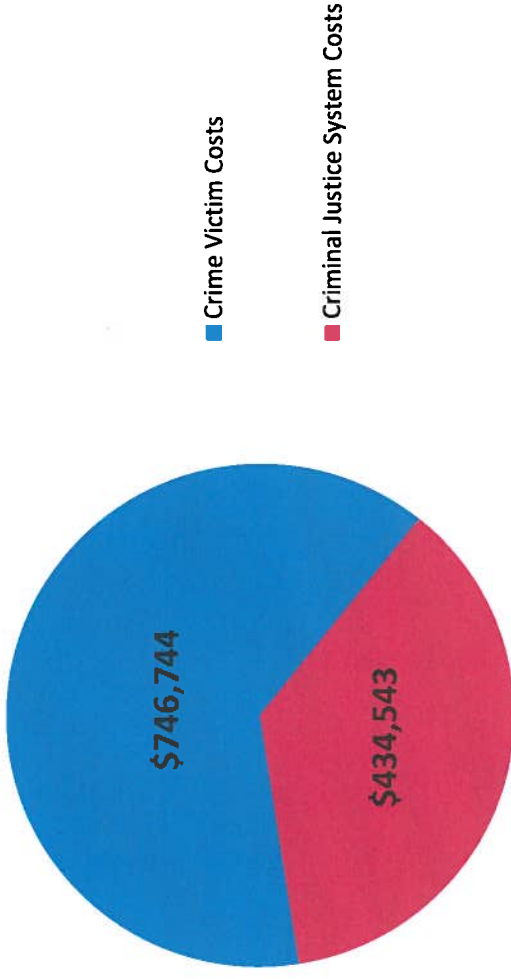


Terry Neil Bowling

A case study in repeat offending

- Born in 1962
- Convicted of 8 misdemeanors and 12 felonies
- Committing home invasions to feed a \$300-a-day heroin habit.
- Now serving multiple 100+ year sentences.

The Oakland Press, 19 January 2011



Officer
Larry
Nehasil

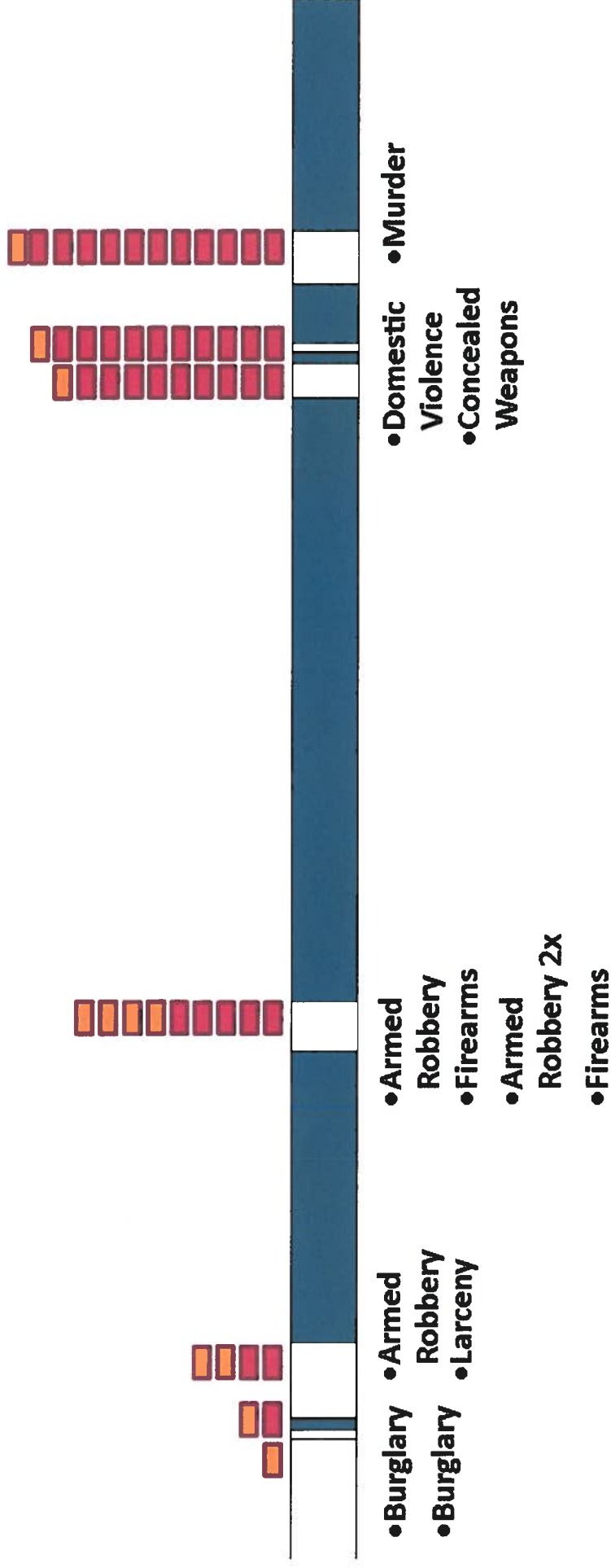
Estimated total cost of Bowling's crime: \$1.338 Million (2008 USD)



Richard Douglas Riddle

First adult conviction: 1974

Conviction for Delores Givhan's murder: 2011



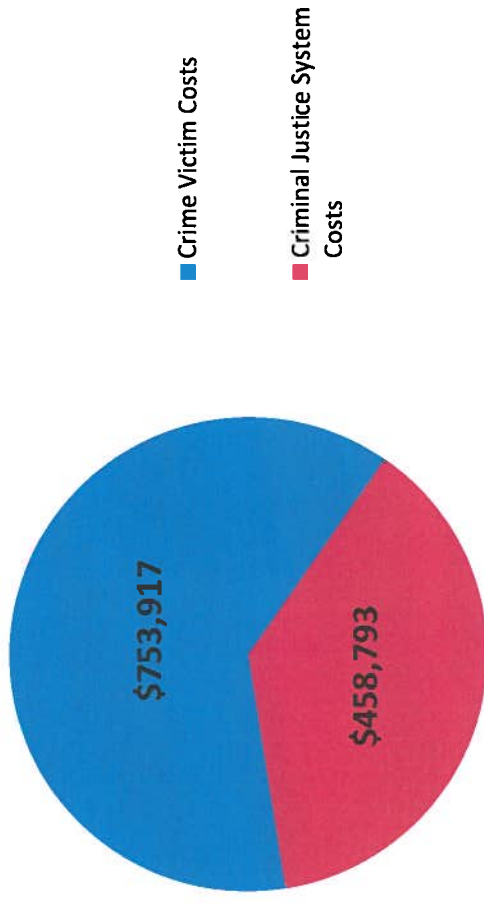


Richard Douglas Riddle

A case study in repeat offending

- Born in 1955
- Convicted of 4 misdemeanors and 8 felonies.
- Had multiple domestic violence convictions; 6 weeks after being paroled he stabbed his girlfriend to death.
- Now serving a 50-75 year sentence.

Mlive, 16 December 2010



Delores
Givhan

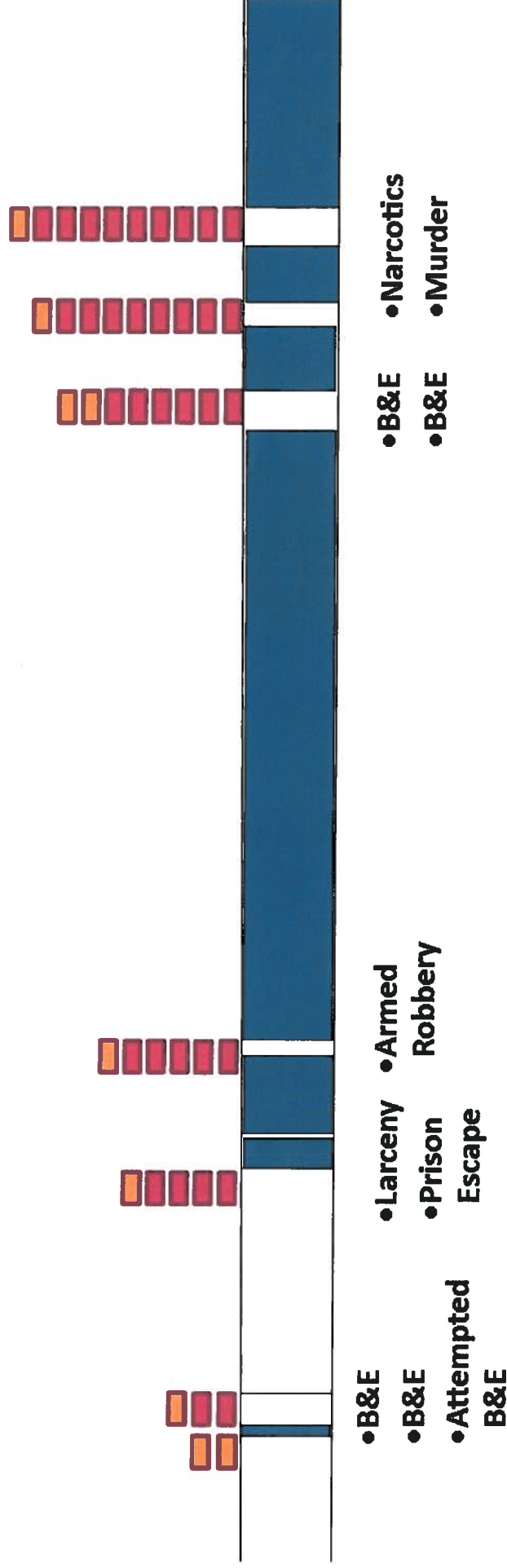
Estimated total cost of Riddle's crimes: \$1.338 Million (2008 USD)



Paul John Pozniak

First adult conviction: 1982

Conviction for Charles Taylor's murder: 2011



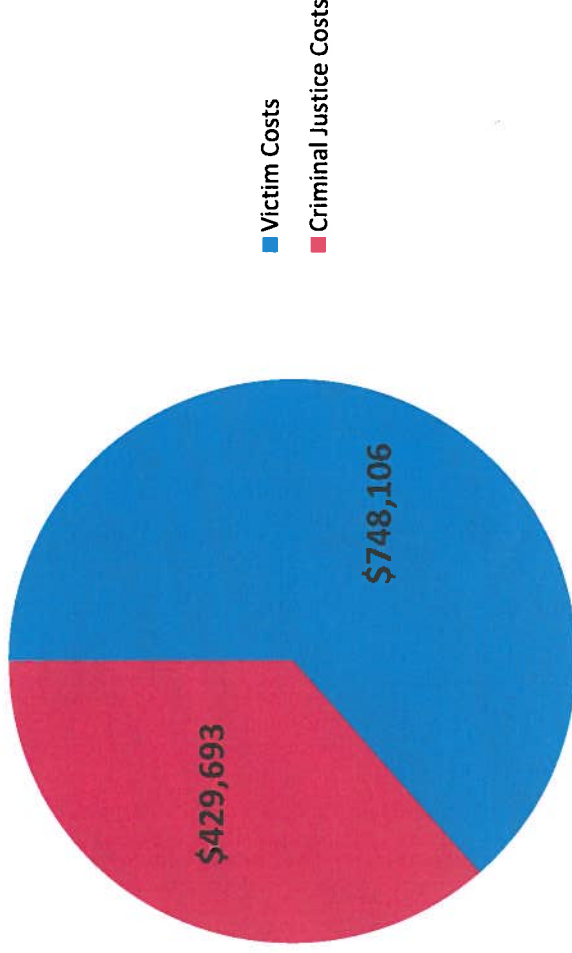


Paul John Pozniak

A case study in repeat offending

- Born in 1958
- Convicted of 10 felonies.
- Shortly after being paroled, he murdered an 84 year old resident of Warren by strangulation.
- Described by police as a "career criminal."

*Examiner, 9 June 2010; Mlive, 9 June 2010



Estimated total cost of Pozniak's crime: \$ 1.334 Million (2008 USD)

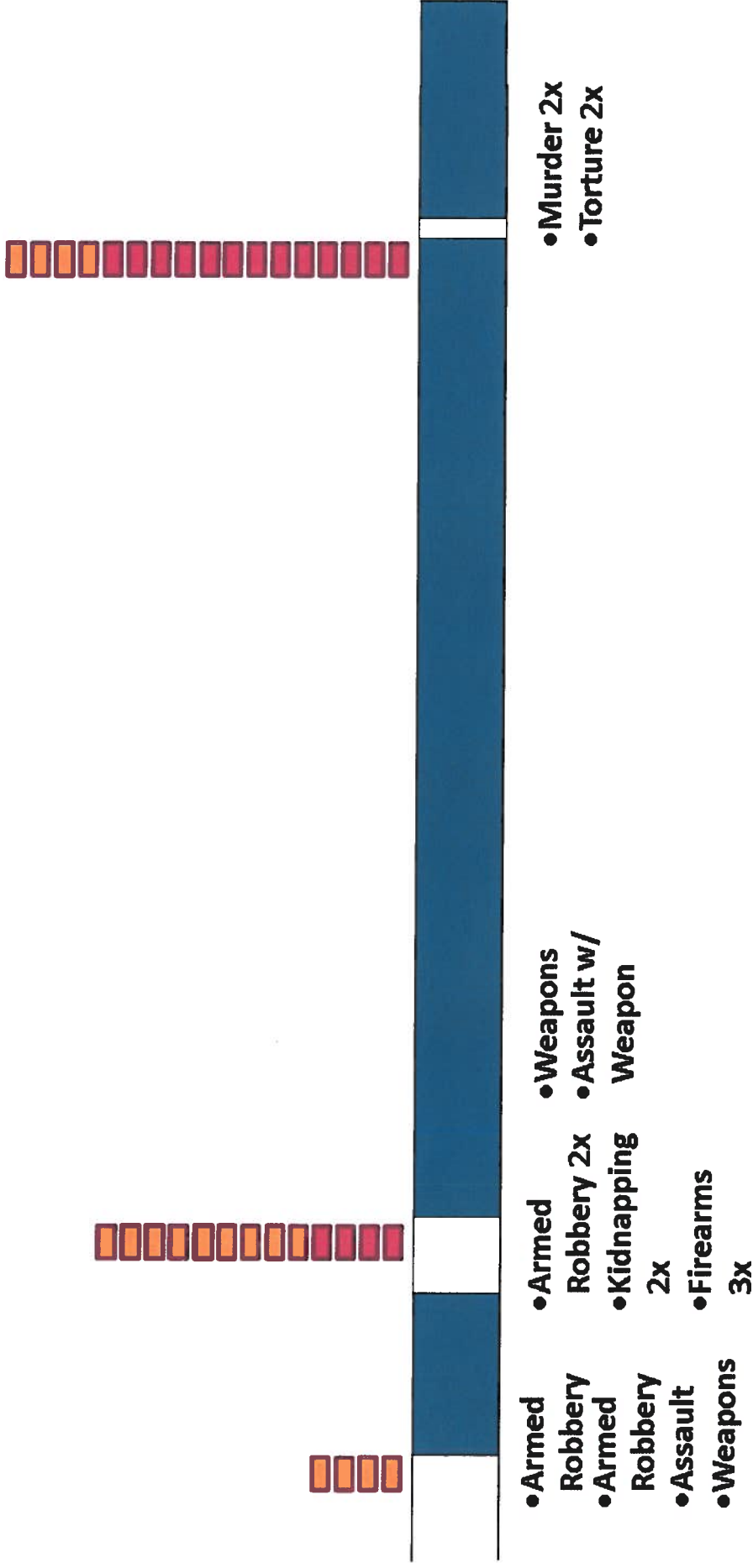
Charles
Taylor



Derrick Smith

First adult conviction: 1985

Conviction for the murder of Purcell Carson & Monica Botello: 2011



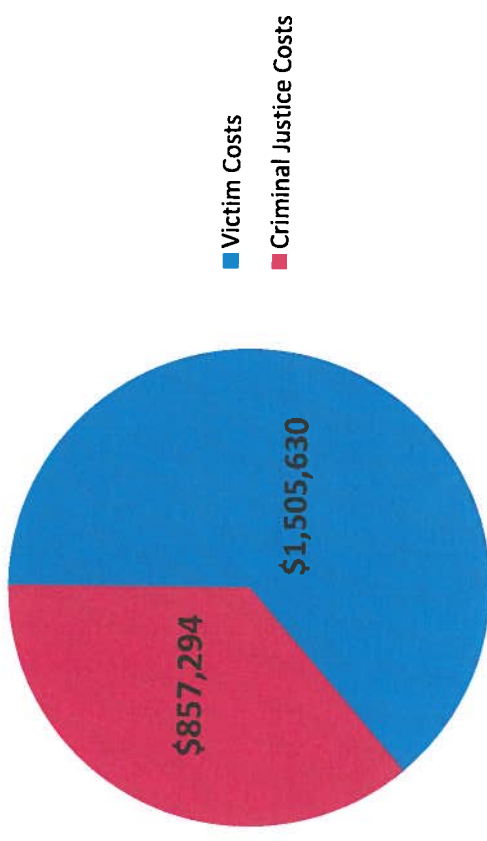


Derrick Smith

A case study in repeat offending

- Born in 1967
- Convicted of 17 felonies
- Six weeks after being paroled, he murdered two parents while their two young daughters hid upstairs, listening to the shots that killed their parents. He fled Michigan and was arrested in California.
- Now serving multiple life sentences.

Mlive, 26 March 2010



Monica Botello



Purcell Carson

Estimated total cost of Smith's crime: \$2.681 Million (2008 USD)

VO-4: Breaking the Cycle



Narrowly focused:

- Violent and repeat offenders
- Reserved for the worst offenders

Utilized when nothing else works

- Clearly programming hasn't worked
- Clearly probation hasn't worked
- Clearly parole hasn't worked
- Clearly they continue to be a danger to all of us